



# City of Carmel

## CARMEL PLAN COMMISSION

FEBRUARY 15, 2005

### Minutes

The regularly scheduled meeting of the Carmel Plan Commission met at 7:00 PM on February 15, 2005 in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members in attendance: Jerry Chomanczuk; Leo Dierckman; Dan Dutcher; Wayne Haney; Mark Rattermann; Rick Ripma

Jon Dobosiewicz and Adrienne Keeling attended the meeting on behalf of the Department of Community Services. John Molitor, legal counsel, was also in attendance.

The minutes of the January 18, 2005 were approved as submitted

#### **F. Legal Counsel Report**

John Molitor, Legal Counsel, reported that there is continuing work on the Earlham/River Road property. A proposal is expected from Earlham at a future date for a PUD development.

#### **G. Reports, Announcements, & Department Concerns:**

Jon Dobosiewicz reported the following:

- 1) Item 5h. (Docket Nos. 05010022 OA & 0501023Z) Amendment, 116<sup>th</sup> Street Overlay has been **TABLED** to the March 15, 2005 meeting
- 2) Due to reduced attendance this evening, it is not possible to suspend the Rules of Procedure. Those items on the Agenda that the Department requested suspension and action this evening are now recommended for forwarding to the Executive Committee on March 1, 2005 for action prior to the Committee meetings. Those items are 2h, 3h, and 4h.
- 3) The Department is requesting that Item 1g, **Proposed Amendments to Rules of Procedure** regarding meeting time and agenda order be forwarded to the Executive Committee for discussion and returned to the full Commission on March 15, 2005.

\*Note: The Executive Committee will likely meet at 6:30 PM on March 1, 2005.

- 4) **Add-On Item:** Village of WestClay Z Ordinance 465-04 as amended by the City Council will be heard under Old Business.

## **H. Public Hearings:**

### **1h. Docket No. 04120019 DP Amend/ADLS: West Carmel Center Block C - Medford Place**

The petitioner proposes a new commercial structure, parking, and signage. The site is located at the southeast corner of 106<sup>th</sup> Street and Michigan Road. The site is zoned B3/Business and is within the US 421 Corridor Overlay.

Filed by Craig May for PR Block C, LLC.

Allen Fetahagic, American Consulting Engineers, 7260 Shadeland Station, Indianapolis 46256 and Steve Hanscom, also American Consulting Engineering, appeared before the Commission representing the applicant.

The proposed commercial structure will be located at the southeast corner of 106<sup>th</sup> Street and Michigan Road within the West Carmel Center. Block C of the West Carmel Center is located approximately at the middle of the development. The property is bounded on the south by the Target Super Center; to the east is Commerce Drive; to the north is commercial development; to the west is Michigan Road.

Block C consists of three lots—one is the existing Bank One; the other lot is vacant; and, the third lot is this proposed site. The proposed site is approximately 9200 square foot-retail center known as Medford Place, located just south of the existing Bank One Building. The parking ratio required is one space per three hundred square feet of building area and that requirement is being met.

The access to the site would be from the private, interior drive that runs north/south, and two curb cuts are being provided. The petitioner is proposing two ground-mounted signs—one located at the south side of the dry detention basin, the other to be located between the Bank One site and the Medford Place site. The second sign would be at the intersection of Commerce Drive and the public collector street.

The landscaping is along the perimeter of the site and also along the perimeter of the dry detention basin. The landscaping will be consistent with the landscaping along the existing Bank One site.

Steve Hanscom, American Consulting Engineers reported that there would be a maximum of six (6) tenants, approximately 1500 square feet each. The re would be a split-face block band around the bottom of the building with brick façade and EFIS signboard. Asphalt shingle and Mansard roof at the top will serve as a screen for the mechanical units.

There was no Public Remonstrance and the public hearing was closed.

S:\PlanCommission\Minutes\PlanCommission\2005\pc-2005feb15

Department Comments, Jon Dobosiewicz. The Department has requested details with regard to illumination and style of wall signage. In addition, the petitioner is to call out the colors and provide samples at the Committee meeting of the building elevation. The location of the proposed ground sign should be verified. The Department also requests that the same pole light fixtures be utilized that were utilized on the adjacent site so that there is consistency along the US 421 frontage.

Docket No. 04120019 DP Amend/ADLS, West Carmel Center Block C, Medford Place was referred to the Special Study Committee meeting for further review on March 1, 2005 at 7:00 PM in the Caucus Rooms of City Hall.

**2h. Docket No. 04120020 DP Amend/ADLS: Alexandria of Carmel**

The petitioner proposes new multi-family structures. The site is located at the southeast corner of 131<sup>st</sup> Street and Pennsylvania Street. The site is zoned OM/Old Meridian.

Filed by Paul Reis for Edward Rose Properties, LLC.

Paul Reis, attorney, 8888 Keystone Crossing, Indianapolis appeared before the Commission representing the applicant. Also in attendance: Steve Horman and John Houchin, Edward Rose Properties.

The site is located at the southeast corner of 131<sup>st</sup> Street and Pennsylvania Street. Three buildings are being presented this evening for ADLS and Development Plan approval. The buildings integrate with the existing development. There will be a new connector street that will run from the Grand Boulevard to Pennsylvania Street. At the time this development goes forward, the one-half right-of-way for the Grand Boulevard will be constructed. However, in conversations with the City Engineer and the Department, the dedication of right-of-way will occur some time in the future, since there are a number of projects now being discussed for this area. The overall dedication of right-of-way will be coordinated as the projects are presented in the future.

The general landscape plan shows the overall project and the assimilation of the three-building area along Grand Boulevard into the overall project. The detailed landscape plan was submitted to Scott Brewer, City Urban Forester, and no concerns have been expressed to date. The same landscape standards in the balance of the development are being continued over into the new phase.

There were three changes made to the Development Plan in addition to the actual addition of the building. The first is that building number three (3) was shifted slightly to the east in order that the landscaping could be better balanced on both sides of the building. The second change is the addition of the connector between the driveway behind the new buildings and the private drive that runs the length of the retention pond or lake in the development. The third change is a reconfiguration and addition of additional parking spaces in the southern portion of the development in order to provide additional parking to the east of building number six (6).

Members of the public were invited to speak in favor of or opposition to the petition; no one

appeared and the public hearing was closed.

Department Report: Jon Dobosiewicz stated that this project has been reviewed in one form or another by the Commission on three previous occasions—the initial product, the addition at the corner of Pennsylvania and 131<sup>st</sup> Street, and the rezone proposal. The Department is recommending that this item be forwarded to the Executive Committee on March 1, 2005, most likely 6:30 PM in the Caucus Rooms of City Hall. The Executive Committee would be eligible to take final action on this petition at that time.

Jerry Chomanczuk was in favor of the additional parking but wanted to know if that was at the expense of open space.

Paul Reis' understanding was that the additional parking did not impact any open space. The space was simply reconfigured to allow for the additional parking spaces. The parcel directly to the east remains open.

Rick Ripma asked about the exterior of the buildings—some are brick on the front and sides—some are siding.

Paul Reis responded that the sides of the building are brick—the back of all of the buildings is siding/fiberboard.

**Docket No. 04120020 DP Amend/ADLS, Alexandria of Carmel** was forwarded to the Executive Committee for review and final action on March 1, 2005 in the Caucus Rooms of City Hall.

**3h. Docket No. 05010030 CA: 116th/Keystone Retail Shops**

The petitioner proposes revised commitment amendment text. The site is located at the northeast corner of 116th St. and Keystone Ave. The site is zoned B-3 within the US 431 Overlay Zone.

Filed by Matt Skelton of Bingham McHale for Eclipse Real Estate.

Bill Brehman, attorney, Bingham McHale, 970 Logan Street, Noblesville, appeared before the Committee representing Eclipse Real Estate. Also in attendance: Drew Warner, Eclipse Real Estate.

After receiving approval for this development, the petitioner began negotiations with Starbucks, one of the tenants in this building. Starbucks has requested an amendment to the commitments to permit one, after-hours delivery at the site for bakery products. The proposed amendment to the commitments has been limited to make it as unobtrusive as possible. The deliveries would be through the front door of Starbucks, facing Keystone Avenue.

The petitioner has received approval from The Maples HOA attorney, who said that this is a diminimus change to the commitments and that one delivery, after-hours through the front door of

Starbucks is fine with the neighbors. One neighbor did call Eclipse Real Estate, and that person was also satisfied with delivery through the front door, after-hours.

Mr. Brehman was hopeful of a vote this evening, but understands that this item will go before the Committee.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in organized opposition to the petition; the following appeared:

**Remonstrance/Organized Opposition**

**Linda Meade**, 3022 Crimson Court West, President of Maples of Carmel, stated that she knew nothing about the attorney for The Maples sending a letter. The current situation has not even been discussed with the attorney. There are several residents of The Maples who are still unhappy with the past agreement. There is no time frame as to when a delivery truck will be on the premises—"after hours" is not specific enough and needs to be pinned down. The proposal gives the petitioner too much latitude—the Maples residents are requesting more information than offered. The residents have offered everything they can without a brick wall. If the petitioner were to install a brick wall for security and sound, this might not be an issue.

**Public Remonstrance/General**

**Donna Cronin** 3037 Bayberry Court West, Maples of Carmel, stated that without a brick wall, this proposal is totally unacceptable. Ms. Cronin reiterated that the residents of The Maples did not agree to the delivery truck at all.

**PJ Turner**, 3011 Silver Maple Court, Maples of Carmel, sated her unit is the closest to the development and her bedroom will be just a few feet from this development. 6:00 AM to 10:00 PM there will be cars in and out of the development, and her quality of life as well as her husband's will be greatly affected.

**Rebuttal:** Mr. Brehman stated the Maples attorney had left a voice mail on February 3, 2005 saying he did not think it was a problem—Eclipse assumed the attorney had authority to agree to the proposal and no objections had been registered from the residents until this evening. The truck will not be a semi, it will not be idling for a long time—again, delivery is through the front door of Starbucks that faces Keystone Avenue, at least 100 feet from the property line. Eclipse has also made commitments to build fencing and trees to buffer any intrusion from this development.

Mark Rattermann asked if there would be a back-up beeper on the truck—the back-up beeper is just unbelievably noisy and if that is the case, it would be extremely noisy.

Mr. Brehman was unsure whether the vehicle would have a back-up beeper or not.

Jerry Chomanczuk said he would be interested in knowing whom Counsel represented that left the voice mail with Mr. Brehman. Also, the time frame for delivery could be fine-tuned—10:00 PM to 6:00 AM is a pretty broad time frame and it could be pin-pointed.

Mr. Brehman responded that he would see if the hours of delivery could be limited. Mr. Brehman's understanding is that Greg Silver represents the homeowners of The Maples.

Jerry Chomanczuk asked if the issues regarding access to this particular site had been addressed.

Jon Dobosiewicz responded in the affirmative. At the time Plan Commission took final action, a diagram was presented with the proposal and agreed to at that time that the City Engineer was comfortable with.

Jerry Chomanczuk recalled that the commitments specified that deliveries would be made at the front of the buildings rather than the back.

Mr. Brehman said this proposal only applies to Starbucks. If Starbucks leaves, and another business takes that space, they would not have that right—this applies only to Starbucks.

Mark Rattrmann said that he, too, would be concerned about the time of the deliveries.

**Docket No. 05010030 CA, 116<sup>th</sup>/Keystone Retail Shops**, was forwarded to the Special Study Committee for further review on March 1, 2005 at 7:00 PM in the Caucus rooms of City Hall.

**Note:** The Committee Meeting is open to the public.

**4h. Docket No. 05010007 OA: Amendment, S-1/Residence District**

The applicant seeks to Amend Chapter 5.04.02 of the Carmel/Clay Zoning Ordinance Chapter 7.01 of the Subdivision Control Ordinance, regarding lot area requirements. Also, the applicant seeks to amend Chapter 31.06.04 of the Carmel/Clay Zoning Ordinance, regarding Plan Unit Development District locations. Filed by the Carmel Department of Community Services.

Jon Dobosiewicz, Department of Community Services appeared before the Commission representing the applicant. Within the Clay Township areas that are zoned S-1, currently there are three segments that allow the base density of an area to be one unit per acre—that area is between 116<sup>th</sup> Street and 141<sup>st</sup> Street, west of Spring Mill Road. Currently, a second area is 1.3 units per acre, and that area is west of Spring Mill Road, south of 116<sup>th</sup> Street to 96<sup>th</sup> Street and north of 141<sup>st</sup> Street to 146<sup>th</sup> Street. The third area of S-1 is primarily east of Gray Road (with the exception of a small parcel between 106<sup>th</sup> and 96<sup>th</sup> Street) from 96<sup>th</sup> Street north to 146<sup>th</sup> Street, and allows a base density of 1.8 units per acre. These are the three distinct levels within the S-1 Zone.

The proposal this evening is a recommendation for the Carmel City Council to modify and make consistent 1.0 units per acre within the three segment areas. The second part of this proposal relates to Planned Unit Development. Currently PUD's are allowed only east of Spring Mill Road within Clay Township; the proposed Amendment would allow Planned Unit Development Ordinances to be filed throughout the Township and eliminate that restriction, thereby allowing petitioners to file PUD's west of Spring Mill Road. The intent behind the action is that were developments exist far

in excess of the 1.0 units per acre, the Council would like to have authority in approving development proposals that exceed that amount within the Township. If a developer wanted to exceed the allowable units per acre within those S-1 areas, this would require a petitioner to file one of two requests. One request would be for a planned unit development for review by the Plan Commission and forwarded to Council for final action, or a straight re-zone request. In both cases, it would provide legislative oversight in making that request and a public hearing before the Plan Commission and the City Council. This will allow the Council more control over development proposals that exceed the density amount.

Members of the public were invited to speak in favor of or opposition to the petition; no one appeared and the public hearing was closed.

Mark Rattermann explained that this Amendment was something he had wanted to do for some time to bring consistency to the density. This will have a significant effect on the far-east side close to White River, but it will be much more significant on the far-west side. It does encompass the area proposed for annexation—it may be meaningless depending on what happens with the annexation. Assuming the annexation will go forward and the joinder agreement for planning and zoning perpetuate, this would be a positive action. If not, Noblesville can do this!

Jerry Chomanczuk questioned why there should be separate categories—low intensity, very low intensity, if it is the same percentage.

Jon Dobosiewicz said there is a distinction within the Comprehensive Plan on those three characteristics that still could be utilized when filing for a PUD relative to an acceptable level of density in those three areas. Also, this proposal is not a map change, it is an Ordinance Amendment that comes only to the Council and Plan Commission as a text change—there still exists those three different zones, however it levels the playing field within those three zones. The three zones are still on the map, but the characteristics or standards within the zones are identical under this proposal—even though the Open Space requirements are being changed to the same percentage.

Jerry Chomancuk questioned the Connor Prairie property on the east side of Carmel that will eventually be developed. Does the City want to maintain that type of 1.0 ratio?

Jon Dobosiewicz responded that this is likely a policy discussion that the Plan Commission would be well within its purview to discuss as well as the Council.

Mark Rattermann wanted to go on record with comments that this proposal is not what he envisions—lowering the density to 1.0 units per acre across the Township. This proposal promotes bringing in PUD's and with those, the developer pretty much writes his own ordinance—if it comes in at 2.0 or 2.5 or 1.5, there will be lively debate. Nevertheless, this process promotes a PUD, especially on the larger parcels, like the Village of WestClay. The Earlham piece has a lot of flood plain, some wetlands, and will be a complicated property to develop. It would be even better with a PUD than under the Ordinance.

**Docket No. 05010007 OA, Amendment, S-1 Residence District** was forwarded to the Executive Committee March 01, 2005 for action.

**5h. Docket Nos. 05010022 OA & 05010023 Z: (TABLED to MARCH 15)**

~~Amendment, 116th Street Overlay~~

~~The applicant seeks to create Chapter 23G: 116th Street Overlay of the Carmel/Clay Zoning Ordinance. The applicant also seeks to rezone multiple parcels from S-1/Residence and S-2/Residence District Classifications to the S-1/Residence 116th Street Overlay, and S-2/Residence 116th Street Overlay District Classifications. Filed by the Carmel Department of Community Services.~~

**I. Old Business:**

**1i. Docket No. 04090008 DP/ADLS: Companion Animal Hospital**

The applicant proposes to construct a veterinary hospital. The site is located at 1425 South Range Line Rd. The site is zoned B-8/Business.

Filed by Jim Shinaver of Nelson & Frankenberger for Dr. Buzzetti.

Jim Shinaver, attorney Nelson & Frankenberger; Dr. Anthony Buzzetti; Sean Curran, architect; Matt Maple, Roger Ward Engineering

The petitioner appeared before the full Plan Commission on January 18<sup>th</sup> for public hearing and was reviewed by the Special Study Committee on February 1<sup>st</sup>. The Committee voted a unanimous, favorable recommendation.

Dr. Buzzetti has operated the Companion Animal Hospital at 180 East Carmel Drive, Carmel for approximately 14 years. The practice has outgrown its current facility and it is necessary to relocate. The property at 1425 South Range Line Road is just north of 116<sup>th</sup> Street and east and adjacent to Range Line Road. Dr. Buzzetti desires to renovate and expand the vacant building on the site.

This application was filed before the Range Line Road Overlay was put into place. However, based on numerous meetings with the planning staff, it is Dr. Buzzetti's intent to comply with the spirit and intent of the Overlay Ordinance to the degree that the site permits. The redevelopment will be occurring in two phases.

Phase I will consist of renovating and expanding the existing structure and will also incorporate residential living quarters and office area on the second floor. In the future, if the owner of the real estate desired to expand the renovated building further, Phase II of the redevelopment would require the landowner to expand on the west elevation of the building, adjacent to Range Line Road. The future, Phase II expansion is not required, however, if a future owner desired to expand, they would be required to expand in accordance with Phase II proposed.



Jim Shinaver reviewed the site plan and exhibits and a new, supplemental brochure distributed last week that includes some revised drawings. The site plan and landscape plans were reviewed. There are no major, outstanding landscaping issues with the Urban Forester.

The building elevations consist of two stories; the building materials primarily consist of stone, cedar shake, redwood trim, and tinted glass. The petitioner strongly believes that the proposed development is compatible with other development occurring in this area and should continue the redevelopment momentum along this corridor.

Again, the intent behind Phase II is to make sure that if and when the building is expanded in the future, it will be consistent to the Phase I expansion, including the look of the elevation and the building material. The lighting plan and cut sheets have been submitted.

As the staff report indicates, there are variances associated with this request that will be heard by the Board of Zoning Appeals.

Jerry Chomanczuk reported for the Special Studies Committee. There was a lively discussion on the re-use of the current face and footprint of the building. The petitioner is to be commended for coming back to Committee or full Plan Commission for ADLS. Fencing and parking were discussed as well as window treatments. The roof material was described and explained further by Sean Curran. The Committee gave this proposed project a unanimous approval.

Jim Shinaver reported that in checking with the City Engineer and the title work, a dedication of right-of-way never occurred. The petitioner understands, agrees, and commits to dedicate the necessary right-of-way (45 foot one-half) on Range Line Road.

Mark Rattermann moved for approval of **Docket No. 04090008 DP/ADLS, Companion Animal Hospital**, seconded by Jerry Chomanczuk, **APPROVED 6-0**

**2i. Docket No. 04110034 DP/ADLS: Tom Wood Nissan**

The petitioner proposes a new commercial structure, parking, and signage. The site is located at 4150 East 96<sup>th</sup> Street. The site is zoned B3/Business.

Filed by Lawrence Lawhead for Tom Wood Nissan.

Lawrence Lawhead, attorney, Barnes & Thornburg, Indianapolis appeared before the Commission representing the applicant. The petitioner is proposing a new commercial to take the place of the existing dealership located off Keystone and 96<sup>th</sup> Street. The property is located at 4150 East 96<sup>th</sup> Street and fronts on 96<sup>th</sup> Street within the B-3/Business classification.

The Special Committee reviewed this project on February 1, 2005, and a 5-0 favorable recommendation was voted. However, there was a condition of review of certain modifications to the building façade to be approved by DOCS Staff. The changes were made and subsequently were approved by the Department. At this time, the petition is now back before the full Commission.

Following Plan Commission approval, the petitioner will be appearing before the Board of Zoning Appeals for variances for signage, setback, and area coverage. The primary issue dealt with the outside façade of the building and was discussed in some detail at the Special Study Committee. As a result of the Committee discussion, the architect has made modifications and incorporated them into the revised elevation.

Additional glass windows (5X5 blocks) have been added to break up the dryvit; the windows have also been lowered somewhat. The petitioner agreed to reduce the amount of scoring on the side of the building.

Regarding the dedication of right-of-way, the petitioner will commit to make the dedication to the extent shown on the plans.

One item mentioned at public hearing was the route taken for test-drives. Firstly, the general manager has said that there is a specific pattern/location where the sales staff is instructed to make the test-drives—that does not include going through any of the neighborhoods—and this will not change. Tom Wood is willing to commit, as in the past, that no test-drives will be conducted through the neighborhoods. There are special occasions where special customers are allowed to test-drive without a sales associate with them; no commitment can be made to control that. Larry Lawhead said he would draft language for DOCS Staff approval.

Jerry Chomanczuk reported for the Special Study Committee. The petitioner has addressed the test-drives to the best of his ability, knowing full well that along 96<sup>th</sup> Street there are probably several abusers. The level of cooperation from Tom Wood in this regard is exemplary. The Committee voted a unanimous, favorable recommendation.

Department Comments: Jon Dobosiewicz reported that the Department is recommending approval of the DP/ADLS subject to two conditions. One is the dedication of right-of-way as illustrated on the site plan. The second item is favorable action of the Board of Zoning Appeals on the variance.

Mark Rattermann moved for approval of **Docket No. 04110034 DP/ADLS, Tom Wood Nissan, subject to** dedication of right-of-way on 96<sup>th</sup> Street and favorable action on the variance from the Board of Zoning Appeals, seconded by Jerry Chomanczuk, **APPROVED 6-0.**

#### **ADD-ON ITEM:**

##### **Village of WestClay PUD Ordinance No. Z-465-04, As Amended**

Dave Warshauer, attorney, Barnes & Thornburg was present representing the Village of WestClay. Also in attendance: Keith Lash, Tom Huston, George Sweet, with Brenwick Development.

Jon Dobosiewicz, Department of Community Services, reported that after the Ordinance was certified by the Plan Commission and forwarded to the City Council, there were nine modifications made by the Council.

According to State Statute, when an Ordinance is amended by the City Council, it must be remanded back to the Plan Commission. The Plan Commission's role, at this point, is to take one of two steps. One step is to ratify by approving the Ordinance as amended by the Council; or forwarding the Ordinance back to City Council and in essence re-certifying its original recommendation.

Jon reviewed the nine modifications for the benefit of the Commission members.

Mark Rattermann reported that the Council Committee as well as the full Council did impose substantial restrictions that the Plan Commission had not. The modified version is much more restrictive, and the petitioner has agreed to the modifications. The Ordinance, as amended, is a good compromise. The City Council approved the Ordinance as Amended by the City Council. Dan Dutcher commented that what is before the Commission this evening is a significant improvement over the document that was sent to the Council. This is not something that everyone is happy with on either side.

Jerry Chomanczuk asked for clarification on the number of drive-through facilities.

Jon Dobosiewicz responded that the Amendment puts a cap on **all** drive-through facilities within the development.

Mark Rattermann made formal motion to **ratify and approve Ordinance No. Z-465-04, Village of WestClay PUD AS AMENDED**, as returned to the Commission from the City Council, seconded by Jerry Chomanczuk, **APPROVED 6-0**.

There was no further business to come before the Commission and the meeting adjourned at 8:25 PM.

---

**Leo Dierckman, President**

---

**Ramona Hancock, Secretary**